

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**ROSS BARTON AND
YVONNE KENNEDY,**

Plaintiffs,

v.

**CLACKAMAS COUNTY SENIOR
CITIZENS COUNCIL, INC. and HEALTH
CARE AT FOSTER CREEK,**

Defendants.

Case No. 3:17-cv-1145-SI

ORDER

Michael H. Simon, District Judge.

On July 24, 2017, Plaintiff Ross Barton filed this civil lawsuit, purportedly on behalf on himself, *pro se*, and on behalf of Plaintiff Yvonne Kennedy. ECF 1. At the time, neither of the two plaintiffs was represented by a lawyer, and only Mr. Barton signed the Complaint. *Id.* at 9. Because Mr. Barton is not a lawyer, he may not represent Ms. Kennedy, although he may represent himself. The Court appointed *pro bono* counsel for Ms. Kennedy, but denied Mr. Barton's request for *pro bono* counsel. ECF 5; ECF 8. On July 28, 2017, Mr. Barton, again purportedly on behalf of both himself and Ms. Kennedy, filed an *ex parte* motion for temporary restraining order. ECF 7. Defendants, however, has not yet been served with legal process. The

Court has reviewed Mr. Barton's motion for temporary restraining order and concludes that it would be inappropriate for the Court to issue the requested order without Defendants first being given notice and an opportunity to be heard.

Plaintiffs' Motion for Temporary Restraining Order (ECF 7) is DENIED without prejudice and with leave to renew after Defendants have been properly served and Plaintiffs have filed appropriate proof of service.

IT IS SO ORDERED.

DATED this 1st day of August, 2017.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge